

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Richard A. Brandt

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For: Sports Racket Having a Uniform String Structure

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**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

With regard to the above-identified application filed concurrently herewith, and in response to the office action dated 07/05/01 received in connection with U.S. Application Serial No. 09/715,762, please enter the following:

**IN THE CLAIMS**

Please cancel claims 3, 5 and 8 without prejudice.

Please enter the following amended claim:

1. (Amended) A racket comprising:

a frame with a handle defining a longitudinal main axis;

a head connected to the handle;

said head having parallel longitudinal sides and parallel transversal sides, said sides being firmly connected together at their ends;

said head having a racket face, to be spanned by strings;

said head having a means for securing strings to the frame;

a plurality of transversal strings, all being of substantially identical length, running essentially parallel to each other and generally perpendicular to said longitudinal axis and secured to the frame; and

a plurality of longitudinal strings, all being of substantially identical length, running essentially parallel to each other and parallel to said longitudinal axis and secured to the frame, the transversal strings and longitudinal strings together covering the entire racket face.

### **REMARKS**

Favorable reconsideration in view of the herewith-presented amendments and remarks is respectfully requested.

1. Claims 1, 2, 6, 11 and 13 are rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 4,861,029 (Takatsuka).

Regarding claims 1, 2, 6 and 13 the Examiner has indicated that Takatsuka shows a rectangular-shaped tennis racket with transverse strings of equal length and longitudinal strings of equal length. Regarding claim 11, the Examiner has further indicated that because all of the strings are of the same length, the vibrational frequencies will be equal.

Applicant respectfully traverses this rejection.

Applicant submits that Takatsuka does not disclose or describe the present invention as Takatsuka does not disclose or describe a head in which the parallel longitudinal sides and the parallel transversal sides are firmly connected together at their ends, such connections being insubstantially movable. Rather, the head frame of the Takatsuka racket requires a hinge means for hingedly securing at least one end of each of the frame members in the head frame in a manner which facilitates flexing of the frame members toward one another (see Col. 2, lines 64-67).

The amendment to Claim 1 is fully supported by the drawing in Figure 1 as originally filed, which illustrates the front view of one embodiment of the racket according to this invention.

Based on the foregoing, Takatsuka does not teach or disclose the present invention, and the rejection of claim 1 should be withdrawn.

Furthermore, as claims 2, 6, 11 and 13 are dependent on claim 1, which claim Applicant believes is in condition for allowance, claims 2, 6, 11 and 13 are also in condition for allowance.

Reconsideration and withdrawal of this rejection is urged to be proper.

2. Claims 4, 7, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takatsuka.

Applicant respectfully traverses this rejection.

As claims 4, 7, 9 and 12 are dependent on claims which are now in condition for allowance, claims 4, 7, 9 and 12 are also in condition for allowance.

Reconsideration and withdrawal of this rejection is urged to be proper.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takatsuka in view of U.S. Patent No. 4,013,289 (Kaminstein).

Applicant respectfully traverses this rejection.

As claim 10 is dependent on claim 1, which is in condition for allowance, claim 10 is also in condition for allowance.

Reconsideration and withdrawal of this rejection is urged to be proper.

4. Claims 3, 5 and 8 have been objected to by the Examiner and have been cancelled without prejudice rendering the objection to these claims moot.

The amendments and remarks herein were not intended to and should not be construed to have been made for any reasons related to patentability of the claims. As all rejections and objections are overcome, all claims are believed to be in condition for allowance. An early notice to that effect would be appreciated.

### **CONCLUSION**

In view of the above amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Early and favorable action by the Examiner is earnestly solicited.

If the Examiner determines that anything is necessary to place the application in better condition for allowance which Examiner believes can be handled via telephone, Applicant respectfully requests that Examiner contact the undersigned attorney at (212) 632-8435. The undersigned may also be contacted by e-mail at [mwaldbaum@salans.com](mailto:mwaldbaum@salans.com).

## **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Amended) A racket comprising:
  - a frame with a[n elongated] handle defining a longitudinal main axis;
  - a head connected to the [elongated] handle;
  - said head having parallel longitudinal sides and parallel transversal sides, said sides being firmly connected together at their ends;
  - said head having a racket face, to be spanned by strings;
  - said head having a means for securing strings to the frame;
  - a plurality of transversal strings, all being of substantially identical length, running essentially parallel to each other and generally perpendicular to said longitudinal axis and secured to the frame; and
  - a plurality of longitudinal strings, all being of substantially identical length, running essentially parallel to each other and parallel to said longitudinal axis and secured to the frame, the transversal strings and longitudinal strings together covering the entire racket face.